

Federal, Provincial and Territorial Energy Jurisdiction

Energy jurisdiction is shared between the federal and provincial governments. As per the *Constitution Act, 1867*, the provinces are owners of their ground resources except for those in Aboriginal and federal lands. As well, the provinces and territories are responsible for electricity systems within their borders.

Federal

The federal government is responsible for the management of energy resources on federal and frontier lands and it regulates the international and interprovincial movement of energy and energy goods.¹ It is also involved in energy matters to the extent of its interest in economic development and energy security.

Since the energy crises of the 1970s, the federal government has played a role in promoting energy efficiency and alternative energies. The federal policy influence over energy has expanded due to the growth in trans-boundary environmental concerns.² The main federal energy regulatory agencies are the National Energy Board and the Canadian Nuclear Safety Commission.

The federal government also shares regulatory responsibility over offshore oil and gas resources with Newfoundland and Labrador and Nova Scotia through the Canada-Newfoundland and Labrador Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board. On March 24, 2011, the federal government and the province of Quebec announced an accord on the management of offshore oil and gas resources in the Gulf of St. Lawrence.

Provincial/Territorial

The provinces and territories are responsible for energy matters relating to economic and energy security within their borders. Provinces may impose royalties and taxes on energy production.

Provincial and territorial boards regulate energy pricing at the distribution level when markets fall under monopoly conditions. In the electricity sector, most provinces/territories own Crown utility corporations.

The federal government owns the natural resources in the territories but transferred administrative responsibilities of these resources to the Yukon and is working on similar transfers with Northwest Territories and Nunavut. Through the transfer, Yukon essentially obtained resource management powers and responsibilities similar to a

¹ The federal government does not regulate interprovincial power lines.

² Ibid

province. Currently, resources in Northwest Territories and in Nunavut are administered by the federal Ministry of Aboriginal Affairs and Northern Development.

| Provincial/Territorial | Federal |
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| Development and management of resources within provincial/Yukon boundaries | Resource management on non-accord frontier lands |
| Property and civil rights, i.e. environmental, health, safety, land use, consumer protection, etc. | Regulation of all nuclear-related activities including uranium mining and mills, nuclear power, research and nuclear waste management. |
| Regulation and legislative framework for energy supplies to consumers, including in many cases ownership of Crown corporations engaged in these activities | Trans-boundary environmental impacts, environmental assessments and environmental permits within federal jurisdiction |
| Taxation policy and securing royalties as resource owners | Taxation policy and securing royalties as resources owners on federal lands |
| Policies in the provincial/territorial interest (economic development, energy security, R&D, demand-side management programs, energy statistics, regulations and energy product standards) | Policies in the national interest (economic development, energy security, R&D, demand-side management programs, energy statistics, regulations and energy product standards and labelling) |
| Intra provincial/territorial movement of energy and energy goods | Interprovincial and international movement of energy and energy goods |